

member in the sense of Applicant's invention. In particular, Applicant respectfully submits that spacers 30 and 31 are provided between the lower end of the stand member 3 and the connection member 22 so that the operating rod 4 penetrates the spacers 30 and 31, thus making it impossible to adjust the angle of the pedal. In addition, Applicant respectfully submits that the rod 4 itself appears to extend as one solid piece all the way to the cymbal, as is shown in Fig. 4.

In view of the above, therefore, Applicant respectfully submits that Ishimatsu does not disclose each and every element of Applicant's invention and claims 1-3 are not anticipated thereby.

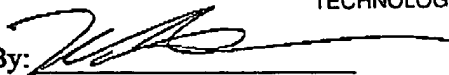
Applicant further acknowledges the Examiner's indication that claims 4-9 are allowed and Applicant accepts these allowed claims.

Applicant further respectfully and retroactively requests a two-month extension of time so as to respond to the Office Action. Please charge Deposit Account No. 11-1445 in the sum of \$400.00 as the fee.

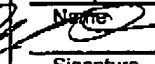
In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted, **FAX COPY RECEIVED**
KODA & ANDROLIA **OCT - 3 2002**
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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 272- 9318 on <u>October 3, 2002</u> .	
<u>William L. Androlia</u> Name	
 Signature	<u>10/3/2002</u> Date